

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

CHRISTEL WARD

Plaintiff,

vs.

SHERIFF ODDIE SHOUPÉ, *et al.*,

Defendants.

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Case No.: 2-17-0047

Judge Waverly D. Crenshaw, Jr.

Magistrate Judge Jeffrey S. Frensley

JURY DEMANDED

DEFENDANTS' MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS

Pursuant to Federal Rule of Civil Procedure 12(c), Defendants Oddie Shoupe, Donna Daniels, Sam Benningfield and White County, Tennessee respectfully request that this Honorable Court enter an order dismissing Judge Benningfield from this action and dismissing Ms. Ward's claim for injunctive and declaratory relief. To the extent the Complaint requests monetary damages from Judge Benningfield, he is entitled to absolute judicial immunity and such claims should be dismissed. Also, recent Tennessee legislation strips Ms. Ward of standing to pursue declaratory and injunctive relief.

For these reasons, as explained more fully in the accompanying memorandum, Defendants respectfully request that this Honorable Court grant this motion for partial judgment on the pleadings and enter an order dismissing Judge Benningfield and the claim for injunctive and declaratory relief.

Respectfully Submitted By,

THE ORTALE KELLEY FIRM

/s/ Michael T. Schmitt

Michael T. Schmitt, BPR #026573

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Donna Daniels, Judge Sam Benningfield and White
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CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that on July 30, 2018, a true and correct copy of the foregoing Motion has been served via electronic mail through the Court's CM/ECF system on the following:

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/s/ Michael T. Schmitt

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